

**EXHIBIT A**  
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April 9, 2018

## SENT VIA EMAIL AND FEDEX

Mr. Geoffrey S. Berman  
United States Attorney  
Southern District of New York  
One St. Andrew's Plaza  
New York, NY 10007

Attn: Assistant U.S. Attorney Thomas McKay

## Re: SDNY's Search and Seizure of Michael Cohen's Documents

To Mr. McKay:

On behalf of our client, Michael Cohen, we write in regard to the seizure of Mr. Cohen's documents and records this morning pursuant to a series of search and seizure warrants issued by the United States Attorney's Office for the Southern District of New York. This action is deeply troubling on many levels, including the fact that your office executed the search warrants despite Mr. Cohen's full cooperation with all ongoing government investigations, which has included producing numerous documents and appearing for multiple interviews. The execution of search and seizure warrants was not only unwarranted,<sup>1</sup> it also resulted in the knowing seizure of thousands of communications that are protected by the attorney-client privilege and/or attorney work product doctrine, and one of those clients is the President of the United States.

[REDACTED] Even if your office were to assemble such a team for this investigation, it would be inappropriate for that team to be given access to Mr. Cohen's attorney work product and his attorney-client communications. His privileged and work product communications and documents should be protected from government review. It would be entirely inappropriate for the government to review these documents and attempt to determine whether a document is protected, even with the use of a

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<sup>1</sup> The Government's action this morning is inconsistent with the U.S. Attorney's Manual. See U.S. Attorney's Manual, 9 – 13.420 (“In order to avoid impinging on valid attorney-client relationships, prosecutors are expected to take the least intrusive approach consistent with vigorous and effective law enforcement when evidence is sought from an attorney actively engaged in the practice of law.”).

taint team. See *United States v. Kaplan*, 2003 WL 22880914, at \*12 (S.D.N.Y. Dec. 5, 2003) (“Certainly this Opinion should be counted among those *disapproving* the Government’s use of an ethical wall team to ‘protect’ the attorney-client and work-product privileges . . . .”); *United States v. Stewart*, 2002 WL 1300059, at \*6-7 (S.D.N.Y. June 11, 2002) (rejecting the government’s request to utilize a taint team and appointing a special master to review files); *In re Search Warrant for Law Offices Executed on Mar. 19, 1992*, 153 F.R.D. 55, 59 (S.D.N.Y. 1994) (stating that the use of taint teams “is highly questionable, and should be discouraged. The appearance of Justice must be served, as well as the interests of Justice. It is a great leap of faith to expect that members of the general public would believe any such [taint team] would be impenetrable; this notwithstanding our own trust in the honor of an AUSA.”); see also *United States v. Neill*, 952 F. Supp. 834, 840–41 (D.D.C. 1997) (holding that the government “intentionally invaded the attorney-client privilege” when it reviewed materials it knew were protected but set up a taint team to review the materials).

We are willing to work with your office to ensure that your office is able to review all responsive, non-protected documents without eviscerating established privileges and the work product doctrine. We propose that we, as counsel to Mr. Cohen, review the seized documents and create a privilege log before any government review occurs. There is no reason why this should not work for the government.

Please provide a response to this letter by 5 PM Eastern on Tuesday, April 10. In the interim, the government should not review any of the seized materials.

Sincerely,

A handwritten signature in black ink, appearing to read "S. M. Ryan", with a long horizontal flourish extending to the right.

Stephen M. Ryan, Esq.  
Counsel for Michael Cohen